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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 333]

भोपाल, शुक्रवार, दिनांक 25 सितम्बर 2020—आश्विन 3, शक 1942

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 25 सितम्बर 2020

क्र. 11183-182-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश अनुसूचित जनजाति ऋण विमुक्ति विधेयक, 2020 (क्रमांक 16, सन् 2020) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

अभय कुमार, अतिरिक्त सचिव.

MADHYA PRADESH BILL
NO. 16 OF 2020

THE MADHYA PRADESH ANUSUCHIT JANJATI RIN VIMUKTI VIDHEYAK, 2020

TABLE OF CONTENTS

Clauses:

1. Short title extend and commencement.
2. Definitions.
3. Consequences to ensue on commencement of Act.
4. Penalties
5. Bar of application of this Act.
6. Authorities who may be specified for implementing the provisions of this Act.
7. Bar of jurisdiction of Civil Court.
8. Power to make rules.
9. Power to remove difficulties.

MADHYA PRADESH BILL

No. 16 OF 2020

THE MADHYA PRADESH ANUSUCHIT JANJATI RIN VIMUKTI VIDHEYAK, 2020

A Bill to provide for relief from indebtedness to the members of Scheduled Tribes of Madhya Pradesh Residing in Scheduled Areas of the State.

Be it enacted by the Madhya Pradesh Legislature in the seventy first year of the Republic of India as follows :—

Short title
extend and
commencement.

1. (1) This Act may be called the Madhya Pradesh Anusuchit Janjati Rin Vimukti Adhiniyan, 2020.

(2) It extends to the whole of State of Madhya Pradesh.

(3) It shall come into force from the date of its publication in the Madhya Pradesh Gazette.

Definitions.

2. (1) In this Act, unless the context otherwise requires :—

(a) “Civil Court” includes,—

(i) a Court acting in the exercise of insolvency jurisdiction;

(ii) a Court which under any law for the time being in force:—

(a) has been constituted a Court of small causes; or

(b) is invested with the jurisdiction of a Court of small causes;

(iii) a Debt Relief Court established under the Madhya Pradesh Anusuchit Jati Tatha Anusuchit Jan Jati Rini Sahayata Adhiniyam, 1967 (No. 12 of 1967);

(b) “co-operative society” means a society registered or deemed to be registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961);

(c) “debt” includes all liabilities owing to a creditor in cash or kind, secured or unsecured, payable under a decree or order of a Civil Court or otherwise and subsisting on the 15th August 2020, whether due or not due;

(d) “member of Scheduled Tribes” mean a member of such Tribe or Tribal communities or part thereof, or groups within such Tribe or tribal communities specified as such with respect to the State of Madhya Pradesh under article 342 of the Constitution of India;

(e) “Scheduled Area” means any area declared to be a Scheduled Area within the State of Madhya Pradesh under paragraph 6 of the Fifth Schedule to the Constitution of India;

(2) Words and expressions used but not defined in this Act and defined in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), shall have the same meaning as assigned to them in that Code.

3. Notwithstanding anything contained in any other law for the time being in force or in any contract or other instrument having a force of law and save as otherwise expressly provided in this Act, the following consequences shall on the commencement of this Act, ensue, namely:—

Consequences to ensue on commencement of this Act.

- (a) every debt advanced up to 15th August, 2020 including the amount of interest, if any, and which is payable by a member of a Scheduled Tribe residing in a Scheduled Area to a creditor shall be deemed to be wholly discharged;
- (b) no civil Court having jurisdiction shall entertain any suit or proceeding against a debtor specified in clause (a) for the recovery of his debt;
- (c) all proceedings in execution of any decree for money or proceedings for making final any preliminary decree for foreclosure or sale or proceedings in execution of any final decree for sale against a debtor specified in clause (a) for the recovery of his debt shall stand withdrawn and all property of the said debtor under attachment in any such proceedings shall forthwith be released;
- (d) every debtor specified in clause (a) in detention in a civil prison in execution of any decree for money passed against him by a Civil Court in respect of a debt shall forthwith be released;
- (e) all suits and proceedings pending against a debtor specified in clause (a) for the recovery of debt shall abate;
- (f) every property pledged by a debtor specified in clause (a) shall stand released in favour of such debtor and a creditor shall be bound to return the same to the debtor forthwith;
- (g) every mortgage executed by a debtor specified in clause (a) in favour of a creditor shall stand redeemed and the mortgaged property shall be released in favour of such debtor :

Provided that, where a suit or proceeding is instituted jointly against the said debtor and any other person, excluding the guarantor or surety to the said debt, nothing in this Section shall apply to the maintainability of a suit or proceeding in so far as it relates to such other person only on the ground that he is being jointly proceeded against.

Explanation.—Nothing in this Section shall be construed to entitle the said debtor to the refund or any part of a debt already repaid by him or recovered from him before the commencement of this Act.

4. (1) No creditor shall,—

Penalties.

- (i) accept any payment against any claim for a debt which has been discharged under this Act; or
- (ii) refuse to return or re-deliver possession to the debtor of the property pledged or mortgaged by him which stands released or redeemed in favour of such debtor under this Act.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment which may extend to three years or fine which may extend to one lakh rupees; or both.

(3) An offence under this Section shall be a cognizable and bailable offence.

Bar of application
of this Act.

5. Nothing contained in this Act shall apply to liabilities falling under the following heads, namely :—

- (a) any rent due in respect of any property let out to a debtor;
- (b) any liability arising out of breach of trust or any tortious liability;
- (c) any liability in respect of wages, or remuneration due as salary or otherwise, for service rendered;
- (d) any liability in respect of maintenance whether under a decree or order of a Court or otherwise;
- (e) a debt due to,—
 - (i) the Central Government or any State Government;
 - (ii) any local authority;
 - (iii) a banking company as defined in Section 5 of the Banking Regulation Act, 1949 (No. X of 1949), and includes the State Bank of India constituted under the State Bank of India Act, 1955 (No. 23 of 1955), a corresponding new bank as defined respectively in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (No. 5 of 1970), or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (No. 40 of 1980), a regional rural bank established under the Regional Rural Banks Act, 1976 (No. 21 of 1976); a Co-operative Land Development Bank or other Co-operative Bank registered or deemed to be registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961) and multi-state co-operative bank as defined under Section 5 (cciiia) read with Section 56 of the Banking Regulation Act, 1949 (No. 10 of 1949);
 - (iv) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963 (No. 10 of 1963);
 - (v) any non-banking financial company and micro finance institute licensed by the Reserve Bank of India;
 - (vi) any self help groups conducted under the policies and rules of the Central Government or the State Government;
 - (vii) the Madhya Pradesh Agro Industries Development Corporation Limited;
 - (viii) any Co-operative Society;
 - (ix) any company within the meaning of the Companies Act, 2013 (No. 18 of 2013);
 - (x) all financial institutions licensed by the Reserve Bank of India;
 - (xi) any limited liability partnership within the meaning of the Limited Liability Partnership Act, 2008 (No. 6 of 2009);

- (xii) a moneylender, licensed under Madhya Pradesh Anusuchit Janjati Sahukar Viniyam, 1972, against a loan extended by him as per the provisions of the said Viniyam;

(f) any debt which represent the price of goods purchased or service rendered by a debtor.

6. The State Government may confer such powers and impose such duties on a Collector as may be necessary to ensure that the provisions of this Act are properly carried out and the Collector may specify and officer or officers subordinate to him not below the rank of Deputy Collector, who shall exercise all or any of the powers and perform all or any of the duties so conferred or imposed and determine the local limits within which such powers or duties shall be carried out of the officer or officers so specified.

Authorities who may be specified for implementing the provisions of this Act.

7. No Civil Court shall have any jurisdiction to entertain, or decide any question in respect of a debt to which provisions of this Act apply.

Bar of jurisdiction of Civil Court.

8. (1) The State Government may, by notification, make rules for carrying out the purpose of this Act.

Power to make rules.

(2) All rules made under this Act shall be laid on the table of the Legislative Assembly.

9. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the official Gazette make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.

Power to remove difficulties.

STATEMENT OF OBJECTS AND REASONS

The Madhya Pradesh Gramin Rin Vimukti Adhiniyam, 1982 was enacted after the Presidential assent, to provide for relief from indebtedness in rural areas. The Madhya Pradesh Gramin Rin Vimukti Adhiniyam 1982 provided that every debt advanced before the 16th August, 1982 including the amount of interest, if any, and which is payable by a marginal farmer, a landless agricultural labourer, a rural artisan and a small farmer to a creditor shall be deemed to be wholly discharged.

The members of the Scheduled Tribes, residing in the Scheduled areas of the state have continued to face the problem of loans extended to them at usurious rates of interest. This result in further deprivation and suffering to such members of the Scheduled Tribes Hence, it is proposed to make a Bill to provide relief to the members of the Scheduled tribes residing in the Scheduled areas of the State by discharging all debt including the amount of interest extended to them up to the 15th of August, 2020.

2. Hence this Bill.

Bhopal
Dated the 18th September, 2020

GOVIND SINGH RAJPUT
Member-In-Charge.